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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

4740-001

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on October 13, 2005Signature [Signature]Typed or printed name Season Munch

Application Number

09/843,232

Filed

4/26/2001

First Named Inventor

Moshiri-Tafreshi et. al.

Art Unit

2665

Examiner

Mattis

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record.
Registration number 53,639☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____[Signature]
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13 OCTOBER 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☒ *Total of this forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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In all claims, the present invention uses first and second inactivity timers to stage the release of fundamental and supplemental channel resources that were allocated to a mobile station as part of establishing a packet data connection between the mobile station and a supporting radio network. Both timers start in response to the packet data connection becoming inactive. Upon expiration of the first timer, the radio network releases the supplemental channel(s) but retains the fundamental channel. Then, upon expiration of the longer-duration

second timer, the radio network releases the fundamental channel. The “early” release of the supplemental channel resources allows them to be reallocated to other mobile stations, while preserving the fundamental channel resources for an additional period of time allows the network to efficiently reactivate the mobile station if needed during the inactive period timed by the second timer.

The examiner asserts that Rezaiifar teaches the claimed second timer (FOA, page 4, lines 14 – 21), and that Cheng teaches the claimed first timer (FOA, page 6, lines 12 – page 7, line 10). However, the applicant notes that Rezaiifar and Cheng each use a single inactivity timer to time the release of fundamental and supplemental channels allocated to a packet data connection. By arbitrarily equating the inactivity timer of Rezaiifar to the claimed second timer and the inactivity timer of Cheng to the claimed first timer, the examiner misses the point that the claims use the terms “first timer” and “second timer” to explicitly refer to relative timers used to stage the release of the fundamental and supplemental channels. Such arbitrary naming is inconsistent with the teachings of Rezaiifar and Cheng. As such, the rejection is improper.

Further, while the examiner concedes that Rezaiifar does not teach releasing the supplemental channel while maintaining the fundamental channel (FOA, page 4, line 21 - page 5, line 2), the examiner asserts that Cheng teaches a timer that stages the release of the fundamental and supplemental channels using an inactivity timer (FOA, page 6, line 12 – page 8, line 2). However, Cheng does not support this assertion. According to Cheng, when a new fundamental channel and one or more supplemental channels are allocated to a new packet data connection (Figure 4, steps 410, 416, 418, 420), Cheng specifically teaches releasing the fundamental and supplemental channels upon expiration of an inactivity timer (Figure 4, steps 424, 426, 428, 430).

Cheng further describes a special case. According to this special case, when a pre-existing circuit switched connection includes a fundamental channel (steps 410, 416), Cheng

skips the step of allocating a new fundamental channel to the new packet data connection (skips step 418). Instead, Cheng “borrows” the pre-existing fundamental channel for packet data communications (Column 6, lines 27 – 30), and allocates one or more supplemental channels to a new packet data connection (step 420). Under this special case, when the inactivity timer expires, only the supplemental channels are released (steps 424, 426, 430) to enable the previously established circuit-switched connection to continue using the pre-existing fundamental channel.

In presenting the rejection, the examiner appears to focus on this special case (FOA, page 6, lines 12 – page 7, line 10). However, the special case taught by Cheng does not represent a staged release of fundamental and supplemental channel resources specifically allocated to a packet data connection, as required by the claimed invention. Instead, the special case taught by Cheng simply recognizes that it is nonsensical to release a fundamental channel previously allocated for a circuit-switched connection upon the expiration of a packet-data inactivity timer.

In summary, Rezaiifar and Cheng both teach tearing down packet data channels specifically established for a packet data connection responsive to the expiration of a single inactivity timer. As such, the teachings of Cheng use a single inactivity timer in exactly the same way as taught by Rezaiifar. Combining Cheng with Rezaiifar would, at most, imbue Rezaiifar with the good sense not to tear down a fundamental channel previously allocated for a circuit-switched connection upon the expiration of a packet-data inactivity timer. Because neither Rezaiifar nor Cheng stage the release of fundamental and supplemental channels specifically allocated to a packet data connection, these references, alone or in combination, do not teach the claimed invention.

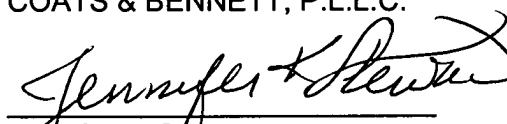
In addition, the applicant notes that the examiner ignores the explicit limitation in the claimed invention requiring that the first timer have a shorter duration than the second timer. As

such, the examiner's rejection is legally incomplete. The applicant notes that Cheng clearly teaches using the same fixed-duration inactivity timer for both cases taught by Cheng. As such, nothing in Cheng teaches or suggests using a shorter-duration timer when releasing only the supplemental channels. Further, nothing in Rezaiifar or in Cheng gives any hint as to whether or not the Cheng timer is shorter or longer than the Rezaiifar timer. Because the inactivity timer used by Cheng tracks the same amount of time for both cases, and because the Rezaiifar timer is used for the same purpose as the Cheng timer, the cited art does not teach or even suggest that the Cheng timer has a shorter duration than the Rezaiifar timer, as required by the independent claims. As such, the combination of the cited art does not meet the first and second timer limitations of the claimed invention.

In view of the above remarks, the applicant submits that the examiner's obviousness rejections against claims 1 – 13 are legally insufficient. As such, the applicant requests reconsideration and withdrawal of all pending §103 rejections.

Respectfully submitted,

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